



AF 2613

TRANSMITTAL LETTER (General - Patent Pending)	Docket No. GB-000068
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In Re Application of Octavius H. MORRIS et al.

Application No. 09/855,115	Filing Date 14 May 2001	Examiner Behrooz M. SENFI	Customer No. 20987	Group Art Unit 2613	Confirmation No.
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Title: VIDEO SIGNAL ENCODING AND BUFFER MANAGEMENT

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Supplemental Appeal Brief
Copy of Notification of Non-Compliant Appeal Brief

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
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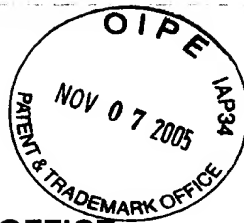

Signature

Dated: 7 November 2005

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____
(Date)
Signature of Person Mailing Correspondence
Typed or Printed Name of Person Mailing Correspondence

CC:



**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/855,115
Applicants : Octavius H. MORRIS et al.
Filed : 14 May 2001
TC/A.U. : 2613
Examiner : Behrooz M. SENFI
Atty. Docket : GB-000068

Title: VIDEO SIGNAL ENCODING AND BUFFER
MANAGEMENT

SUPPLEMENTAL APPEAL BRIEF

U.S. Patent and Trademark Office
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the "Notice of Non-Compliant Appeal Brief" (the "Notice") dated 20 October 2005 and attached hereto, supplemental to the Appeal Brief filed on 25 July 2005 and in support of the Notice of Appeal filed on 25 May 2005, Applicants hereby submit this Supplemental Appeal Brief including the attached two **totally blank** Appendices entitled "Evidence Appendix" and "Related Proceedings Appendix."

The Notice states that the Appeal Brief is missing "Items No. 6, Issues and No. 7, Grouping of Claims, No. 8, Claims Appealed, No. 9 Prior art of Record and No. 10 Grounds of Rejection."

The undersigned attorney has carefully reviewed 37 C.F.R. § 41.37 and sees absolutely no mention whatsoever of any items labeled as "Issues," "Claims Appealed," "Grouping of Claims," or "Prior Art of Record." Meanwhile, the Appeal Brief does include sections entitled "Status of Claims" (page 2) and "Grounds of

Atty. Docket No. **GB-000068**

Rejection to be Reviewed on Appeal" (Page 4).

Accordingly, Applicants respectfully traverse the Notice as being contrary to the current provisions of 37 C.F.R. § 41.37, and ask that the Notice be withdrawn.

Furthermore, the undersigned attorney notes that 37 C.F.R. § 41.37 only requires "an appendix containing copies of any evidence submitted," and "an appendix containing copies of decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii)," and further notes that the section headings in 37 C.F.R. § 41.37 are only recommended headings ("the brief shall contain the following items under appropriate headings"). Therefore, the undersigned attorney also respectfully submits that a totally blank line is a completely appropriate heading for a totally blank appendix, and therefore the Appeal Brief as filed was compliant with 37 C.F.R. § 41.37. However, in order to advance early consideration of Applicants' Appeal Brief and without admitting any deficiency therein, Applicants attach hereto two totally blank sheets of paper labeled respectively, "Evidence Appendix" and "Related Proceedings Appendix."

If necessary, the Commissioner is hereby authorized in this, concurrent, and future filings to charge payment or credit any overpayment to Deposit Account No. 50-0238 for any additional fees required under 37 C.F.R. § 1.16, 37 C.F.R. § 1.17, or 37 C.F.R. § 41.20, particularly extension of time fees.

Respectfully submitted,

VOLENTINE FRANCOS & WHITT, P.L.L.C.

Date: 7 November 2005

By: _____



Kenneth D. Springer
Registration No. 39,843

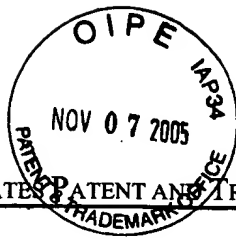
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Evidence Appendix

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Related Proceedings Appendix

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,115	05/14/2001	Octavius J. Morris	GB 000068	8730
24737	7590	10/20/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			ART UNIT	PAPER NUMBER

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/855,115	Applicant(s) MORRIS ET AL.	
	Examiner Behrooz Senfi	Art Unit 2613	

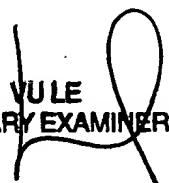
–The MAILING DATE of this communication appears on the cover sheet with the correspondence address–

The Appeal Brief filed on 25 July 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

Items No. 6, Issues and No. 7, Grouping of claims, No. 8, Claims Appealed, No. 9, Prior Art of Record and No. 10, Grounds of Rejection are missing.


VULE
PRIMARY EXAMINER